

104TH CONGRESS
2D SESSION

H. R. 3479

To carry out a comprehensive program dealing with alcohol and alcohol abuse.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1996

Mr. KENNEDY of Massachusetts (for himself, Mr. HINCHEY, Mr. FALEOMAVAEGA, and Mr. FATTAH) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Ways and Means, Economic and Educational Opportunities, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To carry out a comprehensive program dealing with alcohol and alcohol abuse.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Comprehensive Alcohol
5 Abuse Prevention Act of 1996”.

1 **TITLE I—HIGHER EDUCATION**
2 **AND ALCOHOL ABUSE PRE-**
3 **VENTION**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “College Campus Alco-
6 hol Abuse Prevention and Education Act”.

7 **SEC. 102. HIGHER EDUCATION AND DRUG AND ALCOHOL**
8 **ABUSE PREVENTION.**

9 (a) SPECIFIC PROGRAMS.—Section 1213 of the High-
10 er Education Act of 1965 (20 U.S.C. 1145g) is amend-
11 ed—

12 (1) in subsection (a), by striking “and” at the
13 end of paragraph (1)(D), by redesignating para-
14 graph (1)(E) as paragraph (1)(I), and by inserting
15 after paragraph (1)(D) the following:

16 “(E) a prohibition on the distribution of
17 any promotional material that encourages the
18 consumption of alcoholic beverages on campus;

19 “(F) a prohibition of the distribution of
20 free alcoholic beverages for promotional pur-
21 poses on the campus;

22 “(G) a prohibition on sponsorship or public
23 support of any on-campus athletic, musical, cul-
24 tural, or social program, event, or competition

1 by any alcoholic beverage company or by any
2 group of such companies;

3 “(H) limiting alcoholic beverage advertise-
4 ments in the institution of higher education’s
5 newspapers and other publications to price and
6 product identification; and”;

7 (2) in subsection (a), by inserting after and
8 below paragraph (2)(B) the following: “Identifica-
9 tion, referral, or treatment of students and employ-
10 ees shall not jeopardize the matriculation status of
11 the students or the employment of the employees.”;
12 and

13 (3) in subsection (c)(2), by striking “(a)(1)(E)”
14 and inserting “(a)(1)(I)”.

15 (b) STUDENT AND EMPLOYEE INVOLVEMENT.—Sec-
16 tion 1213(b) of the Higher Education Act of 1965 (20
17 U.S.C. 1145g(b) is amended by adding at the end the fol-
18 lowing: “Such items shall be developed and adopted with
19 student and employee participation.”.

20 (c) WAIVER OF SANCTIONS.—Section 1213(c) of the
21 Higher Education Act of 1965 (20 U.S.C. 1145g(c) is
22 amended by adding at the end the following:

23 “(3) Upon application by an institution of higher edu-
24 cation, the Secretary shall grant a waiver of sanctions au-
25 thorized by subsection (a)(1)(I) to any institution of high-

1 er education which demonstrates that it is in the process
 2 of developing and implementing a plan required by sub-
 3 section (a) for up to one year from the date of the enact-
 4 ment of this paragraph.”.

5 **SEC. 103. GRANTS AND CONTRACTS.**

6 (a) GRANT AND CONTRACT AUTHORITY.—Section
 7 1213 of the Higher Education Act of 1965 (2) U.S.C.
 8 1145g) is amended by adding at the end the following:
 9 “(e)(1) The Secretary may make grants to institu-
 10 tions of higher education or consortia of such institutions
 11 and contracts with such institutions and other organiza-
 12 tions to develop, implement, operate, improve, and dis-
 13 seminate programs of prevention, and education (includ-
 14 ing treatment-referral) to reduce and eliminate the illegal
 15 use of drugs and alcohol and their associated violence.
 16 Such contracts may also be used for the support of a high-
 17 er education center for alcohol and drug abuse prevention
 18 which will provide training, technical assistance, evalua-
 19 tion, dissemination and associated services and assistance
 20 to the higher education community as defined by the Sec-
 21 retary and the institutions of higher education.

22 “(2) Grants and contracts shall be made available
 23 under paragraph (1) on a competitive basis. An institution
 24 of higher education, a consortium of such institutions, or
 25 other organizations which desire to receive a grant or con-

1 tract under paragraph (1) shall submit an application to
 2 the Secretary at such time, in such manner, and contain-
 3 ing or accompanied by such information as the Secretary
 4 may reasonably require by regulation.

5 “(3) The Secretary shall make every effort to en-
 6 sure—

7 “(A) the equitable participation of private and
 8 public institutions of higher education (including
 9 community and junior colleges), and

10 “(B) the equitable geographic participation of
 11 such institutions,

12 in grants and contracts under paragraph (1). In the award
 13 of such grants and contracts, the Secretary shall give ap-
 14 propriate consideration to institutions of higher education
 15 with limited enrollment.”.

16 (b) REPEAL.—Section 4122 of the Elementary and
 17 Secondary Education Act of 1965 (20 U.S.C. 7132) is re-
 18 pealed.

19 **SEC. 104. NATIONAL RECOGNITION AWARDS.**

20 (a) AWARDS.—For the purpose of providing models
 21 of alcohol and drug abuse prevention and education (in-
 22 cluding treatment-referral) programs in higher education
 23 and to focus national attention on exemplary alcohol and
 24 drug abuse prevention efforts, the Secretary of Education
 25 shall, on an annual basis, make 10 National Recognition

1 Awards to institutions of higher education that have devel-
2 oped and implemented effective alcohol and drug abuse
3 prevention and education programs. Such awards shall be
4 made at a ceremony in Washington, D.C. and a document
5 describing the programs of those who receive the awards
6 shall be distributed nationally.

7 (b) APPLICATION.—

8 (1) IN GENERAL.—A national recognition
9 award shall be made under subsection (a) to institu-
10 tions of higher education which have applied for
11 such award. Such an application shall contain—

12 (A) a clear description of the goals and ob-
13 jectives of the alcohol and drug abuse programs
14 of the institution applying,

15 (B) a description of program activities that
16 focus on alcohol and other drug policy issues,
17 policy development, modification, or refinement,
18 policy dissemination and implementation, and
19 policy enforcement;

20 (C) a description of activities that encour-
21 age student and employee participation and in-
22 volvement in both activity development and im-
23 plementation;

24 (D) the objective criteria used to determine
25 the effectiveness of the methods used in such

1 programs and the means used to evaluate and
2 improve the program efforts,

3 (E) a description of special initiatives used
4 to reduce high-risk behavior or increase low risk
5 behavior, or both, and

6 (F) a description of coordination and
7 networking efforts that exist in the community
8 in which the institution is located for purposes
9 of such programs.

10 (2) ELIGIBILITY CRITERIA.—All institutions of
11 higher education which are two- and four-year col-
12 leges and universities that have established a drug
13 and alcohol prevention and education program are
14 eligible to apply for a National Recognition Award.
15 To receive such an Award an institution of higher
16 education must be nominated to receive it. An insti-
17 tution of higher education may nominate itself or be
18 nominated by others such as professional associa-
19 tions or student organizations.

20 (3) APPLICATION REVIEW.—The Secretary of
21 Education shall appoint a committee to review appli-
22 cations submitted under paragraph (1). The commit-
23 tee may include representatives of Federal depart-
24 ments or agencies whose programs include alcohol
25 and drug abuse prevention and education efforts, di-

1 rectors or heads (or their representatives) of profes-
2 sional associations that focus on prevention efforts,
3 and non-Federal scientists who have backgrounds in
4 social science evaluation and research methodology
5 and in education. Decisions of the committee shall
6 be made directly to the Secretary without review by
7 any other entity in the Department of Education.

8 (4) REVIEW CRITERIA.—Specific review criteria
9 shall be developed by the Secretary in conjunction
10 with the appropriate experts. In reviewing applica-
11 tions under paragraph (3) the committee shall con-
12 sider—

13 (A) measures of effectiveness of the pro-
14 gram of the applicant that should include
15 changes in the campus alcohol and other drug
16 environment or climate and changes in alcohol
17 and other drug use before and after the initi-
18 ation of the program; and

19 (B) measures of program institutionaliza-
20 tion, including an assessment of needs of the
21 institution, the institution's alcohol and drug
22 policies, staff and faculty development activities,
23 drug prevention criteria, student, faculty, and
24 campus community involvement, and a continu-

1 ation of the program after the cessation of ex-
2 ternal funding.

3 (c) AUTHORIZATION.—For the implementation of the
4 awards program under this section, there are authorized
5 to be appropriated \$25,000 for fiscal year 1996, \$66,000
6 for each of the fiscal years 1997 and 1998, and \$72,000
7 for each of the fiscal years 1999, 2000, 2001, and 2002.

8 **TITLE II—DEDUCTIONS FOR AL-**
9 **COHOL ADVERTISING OR**
10 **PROMOTION**

11 **SEC. 201. SHORT TITLE.**

12 This title may be cited as the “The Alcohol Pro-
13 motion and Advertising Tax Fairness Act”.

14 **SEC. 202. DISALLOWANCE OF DEDUCTION FOR ADVERTIS-**
15 **ING AND GOODWILL EXPENSES RELATING TO**
16 **ALCOHOLIC BEVERAGES.**

17 (a) IN GENERAL.—Part IX of subchapter B of chap-
18 ter 1 of the Internal Revenue Code of 1986 (relating to
19 items not deductible) is amended by adding at the end
20 the following new section:

21 **“SEC. 280I. ADVERTISING AND GOODWILL EXPENDITURES**
22 **RELATING TO ALCOHOLIC BEVERAGES.**

23 “(a) IN GENERAL.—No deduction otherwise allow-
24 able under this chapter shall be allowed for any amount
25 paid or incurred to advertise (by means of television,

1 radio, other electronic means, newspaper or other periodi-
 2 cal, billboard, or any other means), or promote goodwill
 3 regarding, any alcoholic beverage.

4 “(b) ALCOHOLIC BEVERAGE.—For purposes of this
 5 section, the term ‘alcoholic beverage’ means any item
 6 which is subject to tax under subpart A, C, or D of part
 7 I of subchapter A of chapter 51 (relating to taxes on dis-
 8 tilled spirits, wines, and beer).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 for part IX of subchapter B of chapter 1 of such Code
 11 is amended by adding at the end the following new item:

“Sec. 280I. Advertising and goodwill expenditures relating to alco-
 holic beverages.”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 this section shall apply to amounts paid or incurred after
 14 the date of the enactment of this Act.

15 **TITLE III—PROMOTION OF** 16 **ALCOHOLIC BEVERAGES**

17 **SEC. 301. SHORT TITLE.**

18 This title may be cited as the ‘End Taxpayer Pro-
 19 motion of Alcohol Overseas Act’.

20 **SEC. 302. PROHIBITION ON PROMOTION OF ALCOHOLIC** 21 **BEVERAGES.**

22 Section 203 of the Agricultural Trade Act of 1978
 23 (7 U.S.C. 5623) is amended by adding at the end the fol-
 24 lowing:

1 “(h) PROHIBITION ON PROMOTION OF ALCOHOLIC
2 BEVERAGES.—None of the funds appropriated or other-
3 wise made available to carry out this section may be used
4 to promote the sale or export of alcohol or alcoholic bev-
5 erages.”.

6 **TITLE IV—CHILDREN AND**
7 **ALCOHOL ADVERTISING**

8 **SEC. 401. SHORT TITLE.**

9 This title may be cited as the “Children’s Protection
10 from Alcohol Advertising Act of 1996”.

11 **SEC. 402. FINDINGS.**

12 The Congress makes the following findings:

13 (1) In 1995, the Department of Health and
14 Human Services found that there is a significant un-
15 derage drinking problem and estimated that there
16 are 11 million drinkers of alcoholic beverages who
17 are under the age of 21. Of that number, 2 million
18 are heavy drinkers of such beverages.

19 (2) In 1995, the proportion of students having
20 5 or more drinks in a row during the 2 week period
21 preceding the Monitoring the Future Survey were 15
22 percent for 8th graders, 24 percent for 10th grad-
23 ers, and 30 percent for 12th graders.

24 (3) The median age at which children begin
25 drinking alcoholic beverages is just over 13 years. 67

1 percent of students in the 8th grade have tried an
2 alcoholic beverage.

3 (4) A 1995 survey found that 50 percent of the
4 teenagers who were asked said that alcohol is a more
5 serious problem among today's youth than illicit
6 drugs.

7 (5) In 1993, nearly 10 percent (over 110,000)
8 of the clients admitted to State-funded alcohol treat-
9 ment programs were under the age of 21.

10 (6) Alcoholic beverage companies spent \$2 bil-
11 lion to advertise and promote their products in
12 1995. The budget of the National Institute on Alco-
13 hol Abuse and Alcoholism for the same year was
14 \$176 million.

15 (7) According to a study published in the Amer-
16 ican Journal of Public Health, viewing beer ads on
17 television may predispose young people to drinking
18 beer. Children who are more aware of beer advertise-
19 ments hold more favorable beliefs about drinking
20 beer and intend to drink beer more frequently as
21 adults.

22 (8) Almost half of all adults think that alcohol
23 industry advertising greatly influences underage
24 youth to drink alcoholic beverages, another one-third
25 think industry advertising has some influence.

1 **SEC. 403. ADVERTISING REQUIREMENTS.**

2 (a) PROHIBITIONS.—

3 (1) GENERAL RULE.—Except as provided in
4 paragraph (2), no alcoholic beverage may be adver-
5 tised or promoted on any audio tape, audio disc, vid-
6 eotape, video arcade game, computer game or in
7 film. No outdoor advertising of alcoholic beverages
8 may be located within 1000 feet of any school, play-
9 ground, or other public facility where individuals
10 under the age of 21 are reasonably expected to con-
11 vene.

12 (2) EXCEPTION.—Paragraph (1) does not apply
13 to any videotape prepared by a person engaged in
14 the business of manufacturing or selling alcohol bev-
15 erages if such videotape is to be viewed only by other
16 persons engaged in such business.

17 (b) PRINT ADVERTISING.—In publications with an
18 under the age of 21 readership of 15 percent or more than
19 2 million, whichever is less, alcohol advertising shall be
20 restricted to text only advertising in black and white print.

21 (c) BROADCAST ADVERTISING.—Any advertising of
22 an alcoholic beverage in a television broadcast shall during
23 the hours between 7 A.M. and 10 P.M. be limited to only
24 a picture of the beverage with factual, objective audion
25 information about the beverage.

1 (d) SPONSORSHIP.—An event may be sponsored by
2 an alcohol manufacturer in the corporate name only and
3 not in the brand name of the alcoholic beverage.

4 (e) PROMOTIONAL ITEMS.—

5 (1) GENERAL RULE.—No person may manufac-
6 ture or distribute a product which is a non-beverage
7 product with an identifiable brand of an alcoholic
8 beverage manufacturer. Such a product shall bear
9 the corporate name of the alcoholic beverage manu-
10 facturer.

11 (2) EXCEPTION.—Paragraph (1) does not apply
12 to any product prepared by a person engaged in the
13 business of manufacturing or selling alcohol bev-
14 erages if such product is to be made available only
15 to other persons engaged in such business.

16 (f) ENFORCEMENT.—

17 (1) CRIMINAL PENALTY.—Any person who vio-
18 lates the restrictions prescribed by subsection (a),
19 (b), or (c) shall be guilty of a misdemeanor and shall
20 on conviction thereof be subject to a fine of not more
21 than \$10,000.

22 (2) INJUNCTION.—The district courts of the
23 United States shall have jurisdiction, for cause
24 shown, to prevent and restrain violation of restric-
25 tions prescribed by subsection (a), (b), or (c) upon

1 application of the Attorney General of the United
2 States acting through the United States attorneys in
3 their districts.

4 **TITLE V—ALCOHOL** 5 **ADVERTISING**

6 **SEC. 501. SHORT TITLE.**

7 This title may be cited as the “Alcohol Advertising
8 Accountability Act of 1996”.

9 **SEC. 502. REPORT OF SECRETARY ON ALCOHOL ADVERTIS-** 10 **ING.**

11 (a) ACTION BY THE SECRETARY.—The Secretary of
12 Health and Human Services shall report annually to the
13 Congress on alcohol advertising, its profile and its effects.
14 To assist the Secretary in gathering information for such
15 report, the Secretary shall establish a panel made up of
16 such individuals as the Secretary, in the Secretary’s dis-
17 cretion, may select from individuals in the Department of
18 Health and Human Services or any other Federal agency.

19 (b) PANEL FUNCTION.—The panel established by the
20 Secretary of Health and Human Services under subsection
21 (a) shall review alcohol advertising in all media, including
22 broadcast and cable television, other electronic means, and
23 print and outdoor advertising and review promotional ac-
24 tivities undertaken to promote the sale of alcoholic bev-
25 erages. The Secretary shall convene at least 2 public hear-

1 ings before the panel established under subsection (a) each
2 year and shall have the panel conduct a hearing in each
3 of the regional offices of the Department of Health and
4 Human Services over the 5-year period beginning on the
5 date of the enactment of this Act.

6 (c) REPORT CONTENT.—The report of the Secretary
7 of Health and Human Services under subsection (a) shall
8 be developed on the basis of the work conducted by the
9 panel established under subsection (a) and shall include—

10 (1) an identification of—

11 (A) the media used by alcohol advertising
12 to reach children,

13 (B) the total expenditures for alcoholic
14 beverage advertising in each media and in pro-
15 motions,

16 (C) the extent to which media program au-
17 diences are under the age of 21,

18 (D) an identification of the types and
19 themes of alcohol advertising in all media (espe-
20 cially in broadcast) and other electronic means,

21 (E) any graphics, slogans, children's char-
22 acters, and techniques that are used and that
23 appeal to youth, and

24 (F) the extent to which other promotional
25 efforts used to market alcoholic beverages which

1 appear in clothing, sporting events, contests,
2 and concerts appeal to individuals under the
3 age of 21;

4 (2) a determination of the extent to which
5 young people are exposed to alcohol advertising and
6 promotions of alcoholic beverages;

7 (3) an evaluation of the relationship between al-
8 cohol advertising practices and underage drinking,
9 drunk driving, and related public health problems;
10 and

11 (4) an evaluation of alcohol industry sponsored
12 campaigns addressing public service and prevention
13 messages for underage drinking, drunk driving, and
14 other alcohol-related topics.

15 (d) RECOMMENDATIONS.—The report of the Sec-
16 retary of Health and Human Services under subsection
17 (a) shall also include such recommendations for legislation
18 as the Secretary determines are appropriate.

19 **TITLE VI—HEALTH WARNINGS**

20 **SEC. 601. SHORT TITLE.**

21 This title may be cited as the “Sensible Advertising
22 and Family Education Act”.

23 **SEC. 602. FINDINGS.**

24 Congress makes the following findings:

1 (1) Alcohol is by far the drug most widely used
2 and abused by young people in the United States
3 today, even though it is illegal for youths under the
4 age of 21 to purchase alcohol in all 50 of the States
5 and the District of Columbia.

6 (2) According to the National Institute on Alco-
7 hol Abuse and Alcoholism, an estimated 18,000,000
8 persons in the United States who are 18 or older
9 currently experience problems as a result of alcohol
10 use. An estimated 4,500,000 young people are de-
11 pendent on alcohol or are problem drinkers.

12 (3) According to the 1995 National Institute on
13 Drug Abuse survey of high school students and
14 young adults (entitled “Monitoring the Future”), 80
15 percent of high school seniors, 71 percent of tenth
16 graders, and 56 percent of eighth graders had used
17 alcohol at least once. Twenty-eight percent of high
18 school seniors, 24 percent of tenth graders, and 15
19 percent of eighth graders had experienced a “binge”
20 of 5 or more drinks in a row within the past 2
21 weeks. Among college students, 88 percent reported
22 having used alcohol and 40 percent reported occa-
23 sions of binge drinking, including 31 percent of the
24 females and 52 percent of the males.

1 (4) The average age at which young people
2 begin drinking is 13. By age 13, approximately 30
3 percent of boys and 22 percent of girls classify
4 themselves as drinkers. According to the 1995
5 “Monitoring the Future” survey, 14 percent of high
6 school seniors reported having been drunk by eighth
7 grade, 30 percent by ninth grade, 43 percent by
8 tenth grade, and 60 percent by twelfth grade. Stud-
9 ies demonstrate that the use of alcohol before the
10 age of 15 appears to be one of the predictors of later
11 heavy alcohol and other drug use.

12 (5) According to a national survey on youth and
13 alcohol (Inspector General of the Department of
14 Health and Human Services, 1991), the average
15 binge drinker is a 16 year-old male in the tenth
16 grade who was 12 years old when he took his first
17 drink.

18 (6) Young people are not well informed about
19 the hazards of alcohol use. More than one quarter
20 of high school seniors do not view taking one or two
21 drinks nearly every day as entailing great risk. Ap-
22 proximately 45 percent of eighth graders, 47 percent
23 of tenth graders, and 53 percent of twelfth graders
24 do not perceive having 5 or more drinks once or
25 twice a weekend as entailing a great risk (1995

1 “Monitoring the Future” survey). More than 2.6
2 million students do not know a person can die from
3 an overdose of alcohol. A projected 259,000 students
4 think that wine coolers or beer cannot get a person
5 drunk, make a person sick, or do as much harm as
6 other alcoholic beverages (Inspector General of the
7 Department of Health and Human Services, 1991).

8 (7) According to Healthy People 2000, the Na-
9 tional Health Promotion and Disease Prevention Ob-
10 jectives—

11 (A) nearly one-half of all deaths from
12 motor vehicle crashes are alcohol-related;

13 (B) alcohol is implicated in nearly one-half
14 of all fatal intentional injuries such as suicides
15 and homicides; and

16 (C) victims are intoxicated in approxi-
17 mately one-third of all homicides, drownings,
18 and boating deaths.

19 (8) An estimated 25 percent of all hospitalized
20 persons have alcohol-related problems.

21 (9) Alcohol in combination with other drugs is
22 the leading cause of emergency room drug abuse epi-
23 sodes.

24 (10) In 1995, chronic liver disease, including
25 cirrhosis, was the 11th leading cause of death in the

1 United States. Of 41,000 deaths attributed to liver
2 disease in the United States, 46 percent diagnosti-
3 cally were associated with alcohol. Heavy alcohol use
4 is considered the most important risk factor for
5 chronic liver disease. Even among liver disease
6 deaths not coded as alcohol-related, approximately
7 50 percent are thought to be due to alcohol use.

8 (11) Between 5 and 24 percent of hypertension
9 cases are associated with alcohol. Many cases diag-
10 nosed as essential hypertension (high blood pressure
11 having no known causes) may actually have chronic
12 alcohol ingestion as their cause.

13 (12) Alcohol abuse is strongly associated with
14 increased risk of cancer, especially cancer of the
15 liver, esophagus, nasopharynx, and larynx. Alcohol is
16 also associated with dietary deficiency that may in-
17 crease cancer risk.

18 (13) Treatment costs for fetal alcohol syndrome
19 (referred to in this paragraph as “FAS”) and other
20 alcohol-related birth defects in the United States are
21 estimated at nearly a third of a billion dollars. FAS
22 is one of the top 3 known causes of birth defects
23 with accompanying mental retardation and the only
24 known preventable cause among the top three.
25 Among children born to women who drink heavily,

1 the incidence of FAS may be as high as 25 per
2 1,000 live births. Among children born to other
3 women, the FAS incidence is between 1 to 3 infants
4 with the syndrome per 1,000 live births. The inci-
5 dence of other alcohol-related birth defects is esti-
6 mated to be 3 times greater than that of FAS.

7 (14) The alcoholic-beverage industry spends ap-
8 proximately \$2,000,000,000 each year on advertising
9 and promotions in the United States.

10 (15) Alcohol advertising, especially in the
11 broadcast media, represents the single greatest
12 source of alcohol education for persons in the United
13 States. According to a 1990 study of 10 to 13 year-
14 olds, funded by the American Automobile Associa-
15 tion Foundation for Traffic Safety, there is a rela-
16 tionship between exposure and attention by an indi-
17 vidual to beer advertising and expectations that the
18 individual drink as an adult.

19 (16) A major 1981 federally funded study
20 found a significant relationship between—

21 (A) exposure of individuals to alcoholic-
22 beverage advertising as youth; and

23 (B) drinking behaviors and attitudes of the
24 individuals that can lead to certain forms of
25 problem drinking.

1 (17) According to the Department of Health
2 and Human Services, sponsorships and promotions
3 on college campuses by alcohol producers and the
4 use of celebrities and youth-oriented musical groups
5 in advertising create a pro-drinking environment.

6 (18) Over 80 percent of 2,000 adults surveyed
7 in 1988 for the Bureau of Alcohol, Tobacco, and
8 Firearms by the Opinion Research Corporation be-
9 lieve that alcohol advertising influences underage
10 youth to drink alcoholic beverages. The survey also
11 found that the general public feels that the young
12 people of the United States constitute the group that
13 is most at risk from drinking alcoholic beverages.

14 (19) The 1988 Surgeon General’s Workshop on
15 Drunk Driving has recommended—

16 (A) that the level of alcoholic-beverage ad-
17 vertising be matched with an equal number of
18 pro-health and pro-safety messages; and

19 (B) the inclusion of health warning mes-
20 sages in all alcohol advertising.

21 (20) The National Commission on Drug-Free
22 Schools’ September 1990 Final Report, “Toward a
23 Drug-Free Generation: A Nation’s Responsibility”
24 recommends that Congress—

1 (A) require additional health and safety
2 messages on all alcohol products and advertis-
3 ing for the products; and

4 (B) consider enacting a ban on advertising
5 and promotion of alcohol if alcohol advertising
6 still targets youth and glamorizes alcohol use
7 two years following the publication of the re-
8 port.

9 (21) Over two-thirds of persons surveyed
10 in a 1989 Wall Street Journal poll favor requir-
11 ing warnings about the dangers of drinking
12 both on alcoholic-beverage containers and in al-
13cohol advertisements. Nearly three-fourths of
14 persons surveyed in a 1990 Gallup Poll favor
15 requiring health warning messages in alcohol
16 advertising.

17 **SEC. 3. HEALTH WARNINGS.**

18 (a) IN GENERAL.—On and after the expiration of the
19 6-month period following the date of enactment of this
20 Act, it shall be an unfair or deceptive act or practice under
21 section 6 of the Federal Trade Commission Act for any
22 person to—

23 (1) advertise or cause to be advertised through
24 magazines, newspapers, brochures, and promotional
25 displays within the United States any alcoholic bev-

1 erage unless the advertising bears, in accordance
2 with requirements of section 603(a), one of the fol-
3 lowing health warnings:

4 **SURGEON GENERAL'S WARNING:** If
5 you are pregnant, don't drink. Drinking alcohol
6 during pregnancy may cause mental retardation
7 and other birth defects. Avoid alcohol during
8 pregnancy. If you are pregnant and can't stop
9 drinking, call [insert appropriate toll free num-
10 ber].

11 **SURGEON GENERAL'S WARNING:** Al-
12 cohol is a drug and may be addictive. If you
13 know someone who has an alcohol or other drug
14 problem or has trouble controlling their drink-
15 ing, call [insert appropriate toll free number].

16 **SURGEON GENERAL'S WARNING:**
17 Drive sober. If you don't, you could lose your
18 driver's license or even your life. Alcohol im-
19 pairs your ability to drive a car or operate ma-
20 chinery. If you or people you love drink and
21 drive, call [insert appropriate toll free number].

22 **SURGEON GENERAL'S WARNING:**
23 Don't mix alcohol with over-the-counter, pre-
24 scription, or illicit drugs. For more information
25 call [insert appropriate toll free number].

1 **SURGEON GENERAL’S WARNING:** If
2 you drink too much alcohol too fast, you can
3 die. You can be poisoned by alcohol if you drink
4 [insert number of drinks] in [insert time]. To
5 find out more about alcohol poisoning call [in-
6 sert appropriate toll free number].

7 **SURGEON GENERAL’S WARNING:**
8 Drinking increases your risks of high blood
9 pressure, liver disease, and cancer. The more
10 you drink, the more likely it is that you will
11 have such health problems. To find out how to
12 prevent getting such health problems call [in-
13 sert appropriate toll free number]., or

14 (2) advertise or cause to be advertised through
15 radio, television broadcasting (including cable broad-
16 casting and paid per view or subscription television),
17 or other electronic means any alcoholic beverage un-
18 less the advertising includes, in accordance with re-
19 quirements of section 603(b), one of the following
20 health warnings:

21 **SURGEON GENERAL’S WARNING:** If
22 you are pregnant, don’t drink alcohol. Alcohol
23 may cause mental retardation and other birth
24 defects.

1 **SURGEON GENERAL’S WARNING:** Al-
 2 cohol is a drug and may be addictive.

3 **SURGEON GENERAL’S WARNING:**
 4 Drive sober. If you don’t, you could lose your
 5 driver’s license or even your life.

6 **SURGEON GENERAL’S WARNING:**
 7 Don’t mix alcohol with over-the-counter, pre-
 8 scription, or illicit drugs.

9 **SURGEON GENERAL’S WARNING:** If
 10 you drink too much alcohol too fast, you can die
 11 of alcohol poisoning.

12 **SURGEON GENERAL’S WARNING:**
 13 Drinking too much alcohol increases your risk
 14 of high blood pressure, liver disease, and can-
 15 cer.

16 (b) TOLL FREE NUMBERS.— The Secretary of
 17 Health and Human Services shall be responsible for estab-
 18 lishing and maintaining the toll free numbers referred to
 19 in the health warnings required by subsection (a)(1). The
 20 Secretary shall report to Congress annually on the number
 21 of calls received using those numbers.

22 **SEC. 604. REQUIREMENTS.**

23 (a) IN GENERAL.—The health warnings required for
 24 alcoholic beverage advertisements by section 603(a)(1)
 25 shall—

1 (1) be located in a conspicuous and prominent
2 place on each such advertisement, as determined by
3 the Secretary of Health and Human Services in reg-
4 ulations to take effect no later than 6 months after
5 the date of the enactment of this Act,

6 (2) shall require that all the regulations issued
7 by the Secretary under paragraph (1) shall require
8 that all letters in such health warnings appear in
9 conspicuous and legible type that is not script or
10 italic and that such health warnings be in contrast
11 by typography, layout, and color with all other print-
12 ed material in the advertisement, be surrounded by
13 typographic lines that form a box, and, on an appro-
14 priate visual medium, appear on the front of an ad-
15 vertisement as indicated by labeling of the manufac-
16 turer or importer, and

17 (3) be rotated in an alternating sequence on
18 each advertisement of a brand style in accordance
19 with a plan submitted by such manufacturer or im-
20 porter to the Secretary.

21 The Secretary shall approve a plan submitted under para-
22 graph (3) by a manufacturer or importer that assures that
23 each sequence of the same or substantially similar adver-
24 tisement for a brand style has displayed upon it an equal
25 distribution of each health warning at the same time. If

1 an application is approved by the Secretary, the rotation
2 shall apply with respect to the applicant during the one-
3 year period beginning on the date of the application ap-
4 proval.

5 (b) RADIO AND TELEVISION.—

6 (1) WARNINGS.—The health warnings required
7 for alcoholic beverage advertisements placed on radio
8 or television broadcasting by section 602(a)(2)
9 shall—

10 (A) be included in a conspicuous and
11 prominent manner in such advertisement, as
12 determined by the Secretary of Health and
13 Human Services in regulations to take effect
14 not later than 6 months after the date of the
15 enactment of this Act, and

16 (B) be rotated in an alternating sequence
17 on each such advertisement of a brand style in
18 accordance with a plan submitted by such man-
19 ufacturer or importer to the Secretary.

20 The Secretary shall approve a plan submitted under
21 subparagraph (B) by a manufacturer or importer
22 that assures that an equal distribution of each of the
23 health warnings is displayed on each sequence of the
24 same or substantially similar advertisement for a
25 brand style at the same time. If an application is ap-

1 proved by the Secretary, the rotation shall apply
2 with respect to the applicant during the one-year pe-
3 riod beginning on the date of the application ap-
4 proval.

5 (2) REGULATIONS.—The regulations issued by
6 the Secretary under paragraph (1) shall require—

7 (A) that such health warnings be read as
8 part of an alcoholic beverage advertisement in
9 an audible and deliberate manner and in a
10 length of time that allows for a clear under-
11 standing of the health warning message by the
12 intended audience, and

13 (B) that for television a graphic represen-
14 tation of such health warning be included after
15 each advertisement, that all letters in such
16 health warning appear in conspicuous and leg-
17 ible type that is not script or italic, that such
18 health warning be surrounded by typographic
19 lines that form a box, and that such health
20 warning appear in the same length of time si-
21 multaneously with the reading of the message
22 required by subparagraph (A).

23 **SEC. 605. DEFINITIONS.**

24 As used in this title—

1 (1) the term “alcoholic beverage” includes any
2 beverage in liquid form which contains not less than
3 one-half of one percent of alcohol by volume and is
4 intended for human consumption,

5 (2) the term “person” includes a State, a State
6 agency, or an officer or employee of a State or State
7 agency, and

8 (3) the term “State” includes—

- 9 (A) any political subdivision of a State,
10 (B) the District of Columbia,
11 (C) the Commonwealth of Puerto Rico,
12 (D) the Commonwealth of the Northern
13 Mariana Islands,
14 (E) Guam,
15 (F) the Virgin Islands,
16 (G) American Samoa,
17 (H) Wake Island,
18 (I) the Midway Islands,
19 (J) Kingman Reef, and
20 (K) Johnston Island.

21 **SEC. 606. REPORT TO CONGRESS.**

22 (a) INVESTIGATION.—Not earlier than 2 years after
23 the date of the enactment of this Act, the Secretary of
24 Health and Human Services shall conduct an appropriate
25 investigation and consult with the Surgeon General to de-

1 termine whether available scientific information would jus-
 2 tify a change in, an addition to, or deletion of, a health
 3 warning set forth in section 603.

4 (b) REPORT.—If the Secretary of Health and Human
 5 Services finds that available scientific information would
 6 justify the change, addition, or deletion described in sub-
 7 section (a), the Secretary shall promptly submit a report
 8 to the appropriate committees of Congress containing—

9 (1) the information; and

10 (2) specific recommendations for such amend-
 11 ments to this title as the Secretary determines to be
 12 appropriate and in the public interest.

13 **TITLE VII—INGREDIENT LABEL-**
 14 **ING FOR MALT BEVERAGES,**
 15 **WINE, AND DISTILLED SPIR-**
 16 **ITS**

17 **SEC. 701. LABELING.**

18 Section 403 of the Federal Food, Drug, and Cosmetic
 19 Act (21 U.S.C. 343) is amended by adding at the end the
 20 following:

21 “(t)(1) If it is a malt beverage (including malt liquor
 22 or malt cooler), wine (including wine cooler or fortified
 23 wine), or distilled spirit (including distilled spirit cooler)
 24 unless it bears a label which—

1 “(A) discloses in a non promotional manner the
2 alcoholic content by volume,

3 “(B) discloses the number of drinks it contains
4 rounded to the nearest quarter drink,

5 “(C) discloses its ingredients and calories per
6 container and per drink,

7 “(D) discloses the common or usual name of
8 each ingredient (including additives), and

9 “(E) bears the following statement: ‘If you or
10 someone you know has a drinking problem, a call
11 may be made to (reference to a toll-free number es-
12 tablished and operated by the Secretary) for help’.

13 “(2) For purposes of paragraph (1):

14 “(A) The term ‘malt beverage’ means a bev-
15 erage made by the alcoholic fermentation of an infu-
16 sion or decoction, or combination of both, in potable
17 brewing water of malted barley with hops, or their
18 parts or products, with or without other malted cere-
19 als, with or without the addition of unmalted or pre-
20 pared cereals, other carbohydrates, or materials pre-
21 pared, with or without the addition of carbon diox-
22 ide, and with or without other wholesome products
23 suitable for human food consumption.

24 “(B) The term ‘wine’ means wine as defined in
25 sections 610 and 617 of the Revenue Act of 1918

1 and other alcoholic beverages made in the manner of
2 wine, including sparkling and carbonated wine, wine
3 made from condensed grape must, wine made from
4 other agricultural products than the juice of sound,
5 ripe grapes, imitation wine, wine compounds sold as
6 wine, vermouth, cider, perry, and sake if it contains
7 not less than 7 percent and not more than 24 per-
8 cent of alcohol by volume and if for nonindustrial
9 use.

10 “(C) The term ‘distilled spirit’ means ethyl al-
11 cohol, hydrated oxide of ethyl, spirits of wine, whis-
12 ky, rum, brandy, gin, and other distilled spirits, in-
13 cluding all dilutions and mixtures thereof for non-
14 industrial use. Such term does not include mixtures
15 containing wine, bottled at 48 degrees of proof or
16 less if the mixture contains more than 50 percent
17 wine on a proof gallon basis.

18 “(D) The term ‘drink’ is a serving of a malt
19 beverage, wine, or distilled spirit which contains .6
20 ounces of alcohol by volume.

21 “(3) The Secretary shall by regulation require that
22 the information required on a container of a malt bev-
23 erage, wine, or distilled spirit label by subparagraph (1)—

24 “(A) be located in a conspicuous place on such
25 label,

1 “(B) appear in conspicuous and legible type
2 which is in contrast by typography, layout, and color
3 with other printed matter and which is of a size no
4 less than one-sixteenth of an inch in height,

5 “(C) be displayed horizontally,

6 “(D) be easily legible when the container is held
7 in the usual way, and

8 “(E) be offset by borders.”.

9 **SEC. 702. AUTHORIZATION.**

10 There is authorized to be appropriated to the Sec-
11 retary \$500,000 for fiscal year 1996 and each succeeding
12 fiscal year to establish and operate the toll-free number
13 referred to in section 403(t)(1)(E) of the Federal Food,
14 Drug, and Cosmetic Act (as added by section 701).

15 **SEC. 703. REPORT.**

16 The report required by section 206 of the Alcoholic
17 Beverage Labeling Act of 1988 shall be filed within 3
18 months of the date of the enactment of this Act.

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